

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION
SEP 11 2004

LITCHFIELD FINANCIAL CORP., et al.,)	CASE NO. 04CV30076KPN
)	
Plaintiffs,)	
)	
v.)	
)	
BUYERS SOURCE REAL ESTATE GROUP,)	ANSWER OF HENRY
et al.,)	MONTGOMERY (WITH JURY
)	<u>DEMAND ENDORSED HEREON</u>
Defendants.)	

Now comes defendant Henry Montgomery and for his answer states the following:

FIRST DEFENSE

1. Mr. Montgomery denies the allegations of paragraph 1 of the complaint for the reason that it alleges no facts requiring admission or denial and simply purports to characterize the complaint.
2. Mr. Montgomery denies the allegations of paragraph 2 of the complaint, but admits that a lawsuit was filed by HUD.
3. Mr. Montgomery denies the allegations of paragraph 3 of the complaint for want of knowledge sufficient to form a belief.
4. Mr. Montgomery denies the allegations of paragraph 4 of the complaint for want of knowledge sufficient to form a belief.
5. Mr. Montgomery denies the allegations of paragraph 5 of the complaint for want of knowledge sufficient to form a belief.
6. Mr. Montgomery denies the allegations of paragraph 6 of the complaint for want of knowledge sufficient to form a belief.

7. Mr. Montgomery denies the allegations of paragraph 7 of the complaint for want of knowledge sufficient to form a belief.

8. Mr. Montgomery denies the allegations of paragraph 8 of the complaint for want of knowledge sufficient to form a belief.

9. Mr. Montgomery denies the allegations of paragraph 9 of the complaint for want of knowledge sufficient to form a belief.

10. Mr. Montgomery denies the allegations of paragraph 10 of the complaint for want of knowledge sufficient to form a belief.

11. Mr. Montgomery denies the allegations of paragraph 11 of the complaint for want of knowledge sufficient to form a belief.

12. Mr. Montgomery denies the allegations of paragraph 12 of the complaint for want of knowledge sufficient to form a belief.

13. Mr. Montgomery denies the allegations of paragraph 13 of the complaint for want of knowledge sufficient to form a belief.

14. Mr. Montgomery denies the allegations of paragraph 14 of the complaint for want of knowledge sufficient to form a belief.

15. Mr. Montgomery denies the allegations of paragraph 15 of the complaint for want of knowledge sufficient to form a belief.

16. Mr. Montgomery denies the allegations of paragraph 16 of the complaint.

17. Mr. Montgomery denies the allegations of paragraph 16 of the complaint for want of knowledge sufficient to form a belief.

18. Mr. Montgomery denies the allegations of paragraph 18 of the complaint for want of knowledge sufficient to form a belief.

19. Mr. Montgomery denies the allegations of paragraph 19 of the complaint for want of knowledge sufficient to form a belief.

20. Mr. Montgomery denies the allegations of paragraph 20 of the complaint for want of knowledge sufficient to form a belief.

21. Mr. Montgomery denies the allegations of paragraph 21 of the complaint for want of knowledge sufficient to form a belief.

22. Mr. Montgomery denies the allegations of paragraph 22 of the complaint for want of knowledge sufficient to form a belief.

23. Mr. Montgomery denies the allegations of paragraph 23 of the complaint.

24. In response to paragraph 24 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 23 above.

25. Mr. Montgomery denies the allegations of paragraph 25 of the complaint for want of knowledge sufficient to form a belief.

26. Mr. Montgomery denies the allegations of paragraph 26 of the complaint for want of knowledge sufficient to form a belief.

27. Mr. Montgomery denies the allegations of paragraph 27 of the complaint for want of knowledge sufficient to form a belief.

28. Mr. Montgomery denies the allegations of paragraph 28 of the complaint.

29. Mr. Montgomery denies the allegations of paragraph 29 of the complaint for want of knowledge sufficient to form a belief.

30. Mr. Montgomery denies the allegations of paragraph 30 of the complaint.

31. Mr. Montgomery denies the allegations of paragraph 31 of the complaint for want of knowledge sufficient to form a belief.

32. In response to paragraph 32 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 31 above.

33. Mr. Montgomery denies the allegations of paragraph 33 of the complaint for want of knowledge sufficient to form a belief.

34. Mr. Montgomery denies the allegations of paragraph 34 of the complaint for want of knowledge sufficient to form a belief.

35. Mr. Montgomery denies the allegations of paragraph 35 of the complaint for want of knowledge sufficient to form a belief.

36. Mr. Montgomery denies the allegations of paragraph 36 of the complaint for want of knowledge sufficient to form a belief.

37. Mr. Montgomery denies the allegations of paragraph 37 of the complaint for want of knowledge sufficient to form a belief.

38. Mr. Montgomery denies the allegations of paragraph 38 of the complaint for want of knowledge sufficient to form a belief.

39. Mr. Montgomery denies the allegations of paragraph 39 of the complaint for want of knowledge sufficient to form a belief.

40. Mr. Montgomery denies the allegations of paragraph 40 of the complaint for want of knowledge sufficient to form a belief.

41. Mr. Montgomery denies the allegations of paragraph 41 of the complaint for want of knowledge sufficient to form a belief.

42. Mr. Montgomery denies the allegations of paragraph 43 through 46 for the reason that they are not directed at him.

43. In response to paragraph 47 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 42 above.

44. Mr. Montgomery denies the allegations of paragraph 48 of the complaint for want of knowledge sufficient to form a belief.

45. Mr. Montgomery denies the allegations of paragraph 49 of the complaint for want of knowledge sufficient to form a belief.

46. Mr. Montgomery denies the allegations of paragraph 50 of the complaint for want of knowledge sufficient to form a belief.

47. Mr. Montgomery denies the allegations of paragraph 51 of the complaint for want of knowledge sufficient to form a belief.

48. Mr. Montgomery denies the allegations of paragraph 52 of the complaint for want of knowledge sufficient to form a belief.

49. Mr. Montgomery denies the allegations of paragraph 53 of the complaint for want of knowledge sufficient to form a belief.

50. Mr. Montgomery denies the allegations of paragraph 54 of the complaint for want of knowledge sufficient to form a belief.

51. Mr. Montgomery denies the allegations of paragraph 55 of the complaint for want of knowledge sufficient to form a belief.

52. Mr. Montgomery denies the allegations of paragraph 56 of the complaint for want of knowledge sufficient to form a belief.

53. Mr. Montgomery denies the allegations of paragraph 57 of the complaint for want of knowledge sufficient to form a belief.

54. Mr. Montgomery denies the allegations of paragraph 58 of the complaint for want of knowledge sufficient to form a belief.

55. Mr. Montgomery denies the allegations of paragraph 59 of the complaint for want of knowledge sufficient to form a belief.

56. Mr. Montgomery denies the allegations of paragraph 60 of the complaint for want of knowledge sufficient to form a belief.

57. In response to paragraph 61 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 56 above.

58. Mr. Montgomery denies the allegations of paragraph 62 of the complaint for want of knowledge sufficient to form a belief.

59. Mr. Montgomery denies the allegations of paragraph 63 of the complaint for want of knowledge sufficient to form a belief.

60. Mr. Montgomery denies the allegations of paragraph 64 of the complaint for want of knowledge sufficient to form a belief.

61. Mr. Montgomery denies the allegations of paragraph 65 of the complaint for want of knowledge sufficient to form a belief.

62. Mr. Montgomery denies the allegations of paragraph 66 of the complaint for want of knowledge sufficient to form a belief.

63. In response to paragraph 67 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 62 above.

64. Mr. Montgomery denies the allegations of paragraph 68 of the complaint for want of knowledge sufficient to form a belief.

65. Mr. Montgomery denies the allegations of paragraph 69 of the complaint for want of knowledge sufficient to form a belief.

66. Mr. Montgomery denies the allegations of paragraph 70 of the complaint for want of knowledge sufficient to form a belief.

67. Mr. Montgomery denies the allegations of paragraph 71 of the complaint for want of knowledge sufficient to form a belief.

68. In response to paragraph 72 of the complaint, Mr. Montgomery incorporates by reference paragraphs 1 through 67 above.

69. Mr. Montgomery denies the allegations of paragraph 73 of the complaint for want of knowledge sufficient to form a belief.

70. Mr. Montgomery denies the allegations of paragraph 74 of the complaint for want of knowledge sufficient to form a belief.

71. Mr. Montgomery denies the allegations of paragraph 75 of the complaint for want of knowledge sufficient to form a belief.

72. Mr. Montgomery denies the allegations of paragraph 76 of the complaint for want of knowledge sufficient to form a belief.

73. Mr. Montgomery denies the allegations of paragraph 77 of the complaint for want of knowledge sufficient to form a belief.

74. Mr. Montgomery denies the allegations of paragraph 78 through 80 of the complaint for the reason that such allegations are not directed at him.

75. Mr. Montgomery denies any allegations of the complaint not specifically admitted herein.

SECOND DEFENSE

76. The complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

77. The complaint fails to name all necessary and proper parties.

FOURTH DEFENSE

78. The conduct of this answering defendant is not the cause of the injury alleged in the complaint.

FIFTH DEFENSE

79. The relief sought in the complaint is barred by the statute of limitations.

SIXTH DEFENSE

80. The complaint is barred by the doctrine of estoppel

SEVENTH DEFENSE

81. The complaint is barred by the doctrine of laches.

EIGHTH DEFENSE

82. The complaint is barred by the doctrine of accord and satisfaction.

NINTH DEFENSE

83. The complaint is barred by the doctrine of waiver.

TENTH DEFENSE

84. The transactions set forth in the complaint are exempt by statute.

WHEREFORE, Mr. Montgomery respectfully requests that the complaint be dismissed with prejudice at plaintiffs' costs.

Respectfully submitted,

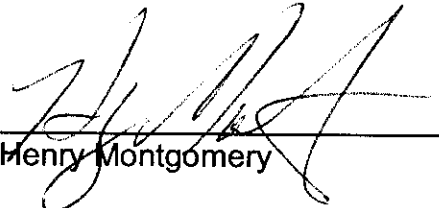


HENRY MONTGOMERY
396 Baldwin Drive
Howard, Ohio 43028-8044

Defendant

JURY DEMAND

Defendant demands trial by jury in this action.



Henry Montgomery

Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing Answer was served by First Class U.S. Mail this ____ day of September, 2004 upon counsel for plaintiff, Jeffrey L. McCormick, Robinson Donovan, 1500 Main Street, Suite 1600, Springfield, MA 01115.



HENRY MONTGOMERY